CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. ____

NPDES NO. CA0081337

WASTE DISCHARGE REQUIREMENTS
FOR
SOUTHERN CALIFORNIA EDISON COMPANY
BALSAM MEADOWS HYDROELECTRIC PROJECT
EASTWOOD POWERHOUSE FACILITY
FRESNO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

BACKGROUND

1. Southern California Edison Company, a California corporation, owns and operates the Balsam Meadows Hydroelectric Project/Eastwood Powerhouse Facility (Facility), an underground hydroelectric powerhouse near Shaver Lake. Southern California Edison Company is hereafter referred to as Discharger.

2. This Order regulates the discharge of treated and untreated wastewater to Shaver Lake and North Fork Stevenson Creek, both waters of the United States. The Discharger submitted a Report of Waste Discharge (ROWD), dated 18 March 2004, and applied for a permit renewal to discharge waste under the National Pollutant Discharge Elimination System (NPDES). Supplemental flow information was provided by the Discharger on 8 April 2004.

3. The underground Facility generates hydroelectric power through a single pump-turbine connected to a motor/generator and it is part of the Balsam Meadows Hydroelectric Project (hereafter "Balsam Project"). The Balsam Project includes a 5,900-foot diversion tunnel connecting the existing Huntington-Pitman-Shaver Conduit, a 4,320-foot power tunnel, an access tunnel, a construction tunnel used to store equipment and access different levels of the Facility, and a 7,500-foot tailrace tunnel with a 16-foot horseshoe section leading to Shaver Lake. The Balsam Project also includes the Balsam Meadows Forebay, a 2,100 acre-foot storage reservoir from which water flows to the Facility. During off-peak electrical consumption hours, water from Shaver Lake may be pumped into the forebay for power generation use the following day.

4. The discharge was previously governed by Waste Discharge Requirements specified in Order No. 99-015, adopted by the Regional Board on 30 April 1999, and amended 16 March 2001 by Special Order No. 5-01-047.

5. Based on data provided in the ROWD and supplemental correspondence provided 8 April 2004, the Discharger's effluent consists of treated wastes from an Oil & Grease Separator, untreated groundwater, and untreated non-contact cooling water. There are two discharge points from the Facility. Discharge Point 001 is from the Tailrace Tunnel to Shaver Lake and Discharge Point 002 is from the Access Tunnel Sump to the North Fork of Stevenson Creek. Discharge Point 001 is the primary discharge point for the Facility and consists of the commingled waste streams as described below. Discharge Point 002 is used only when the powerhouse is not operating and the discharge consists only of untreated groundwater. The Facility is in Section 20, T9S, R25E, MDB&M, as shown on Attachment A, a part of this Order. Attachment B, a part of this Order, provides a schematic of the waste streams.

   Discharge Point 001 – Discharges from the Tailrace Tunnel to Shaver Lake. The discharge consists of commingled flows from three separate waste streams as described below:

   Waste Stream (WS) 001A – Discharges from the Main Sump to the Tailrace Tunnel. The Main Sump collects flow from three different sources: (1) Approximately 0.01 million gallons per day (mgd) of treated wastewater from the Oil & Grease Separator. The separator collects and treats wastewater from equipment and floor cleaning operations, leaking pipe joints, and leaking bearings, (2) Approximately 0.04 mgd of untreated groundwater that seeps into the main sump, and (3) Approximately 1 mgd of untreated groundwater is pumped to the Main Sump during times when the equipment and structures of the construction tunnel require maintenance. Sludge from the Oil & Grease Separator is disposed of off-site by a licensed operator.

   WS 001B – Discharges from the CT-4 Sump to the Tailrace Tunnel. The CT-4 Sump collects approximately 1.0 mgd of untreated groundwater that seeps into the construction tunnel and is pumped to the Tailrace Tunnel.

   WS 003 – Discharges of up to 2.5 mgd of non-contact cooling water from the Powerhouse to the Tailrace Tunnel. The water is used to cool the turbine and generator pumping equipment.

   Discharge Point 002 – Discharges of approximately 1.0 mgd of untreated groundwater from the Main Sump to the Access Tunnel Sump, then directly to Stevenson Creek. This discharge occurs on rare occasions, usually when the Powerhouse is down for maintenance.

6. The discharge from Discharge Point 001 to Shaver Lake, a water of the United States tributary to the San Joaquin River and Millerton Lake, occurs at a point in Section 20, T9S, R25E, MDB&M (latitude 37°7'50" North and longitude 119°15'40" West). The discharge from 002 to North Fork Stevenson Creek, a water of the United States tributary to San Joaquin River and to

Millerton Lake, occurs at a point in Section 21, T9S, R25E, MDB&M (latitude 37°8'20" North and longitude 119°15'0" West). The Facility is within the San Joaquin River Basin, specifically within the San Joaquin Hydrologic Unit, Redinger Hydrologic Area (540.30) as depicted on interagency maps published by the California Department of Water Resources in 1986.

7. The Discharger's ROWD, dated 15 March 2004, describes the effluent discharge as follows:

Constituent	Units	Discharge 001 to Shaver Lake Maximum Daily Value	Discharge 002 to North Fork Stevenson Creek Maximum Daily Value
Biochemical Oxygen Demand[1]	mg/L lbs/day	<5.0 <43.7	<5.0 <43.7
Total Suspended Solids[1]	mg/L	ND	ND
Chemical Oxygen Demand[1]	mg/L lbs/day	10.0 87.6	<10.0 <87.6
Total Organic Carbon[1]	mg/L lbs/day	10 87.6	1.0 8.76
Ammonia[1]	mg/L lbs/day	<0.2 <1.8	1.0 8.76
pH[2]	s.u.	6.7-8.2	NA-8.6
Temperature (Winter)	°C	6.4	6.4
Temperature (Summer)	°C	24.2	24.2

[1] ROWD indicates that values are estimated from past analyses.
[2] Minimum-Maximum range.

8. Quarterly effluent monitoring data were submitted by the Discharger, as required by previous Order No. 99-015. Data from January 2000 to December 2003 are summarized as follows:

WS 001A

Monthly Average Flow: 0.35 mgd

Maximum Monthly Average Flow: 6.0 mgd

Constituent	Units	Monthly			No. of Samples
		Avg[1]	Max	Min	
Settleable Solids	ml/L	0.05	0.6	ND	15
Total Suspended Solids	mg/L	0.3	5	ND	17
Oil and Grease	mg/L	ND	ND	ND	21
Conductivity @25°C	µmhos/ cm	9.0	24	0.1	14
PH	s.u.	--	8.9	7.1	14
Temperature	°C	13	24	6.5	14

[1] Non-detects are counted as 0 when calculating averages.

WS 001B

Monthly Average Flow: 0.9 mgd

Maximum Monthly Average Flow: 1.5 mgd

Constituent	Units	Monthly			No. of Samples
		Avg[1]	Max	Min	
Settleable Solids	ml/L	ND	ND	ND	2
Total Suspended Solids	mg/L	ND	ND	ND	4
Oil and Grease	mg/L	ND	ND	ND	7
Conductivity @25°C	µmhos/cm	27	51	20	14
PH	s.u.	--	8.8	2.6	14
Temperature	°C	20	22	17	14

[1] Non-detects are counted as 0 when calculating averages.

WS 003

Monthly Average Flow: 1.6 mgd.

9. The receiving waters are of very high quality with low turbidities and EC's and high dissolved oxygen concentrations.

10. The Discharger received a Notice of Violation, dated 6 October 1999, for exceeding the daily flow maximums of 1.0 and 1.05 mgd at WSs 001A and 001B. The Discharger responded by letter dated 26 October 1999 that it has no control over the quantity of groundwater that seeps into its tunnels. The Regional Board issued a Special Order dated 16 March 2001 to remove flow limitations that pertain to discharges of untreated groundwater (i.e., WSs 001A, 001B, and Discharge 002). The discharge of additional groundwater has not caused and does not pose a significant threat to water quality, provided the Discharger complies with other terms and conditions of this Order.

11. In October 1995 the Discharger performed chronic and acute toxicity tests using fathead minnow (*Pimephales promelas*) as the test organism. The tests were performed on effluent samples representing the discharges to Shaver Lake and Stevenson Creek. The first effluent tested consisted of internal WSs 001A, 001B, and 003 (on a flow-proportioned basis) from Discharge 001, and used Shaver Lake receiving water as the dilution water. The second effluent tested was from Discharge 002 and used Stevenson Creek receiving water as dilution water. Results of toxicity tests showed no significant toxicity in either discharge sample. Results of acute toxicity tests performed in May 1997 using rainbow trout (*Salmo gairdnerii*) as the test organism showed no toxicity in the Tailrace Tunnel discharge.

12. The *Water Quality Control Plan*, *Fourth Edition, for the Sacramento River Basin and the San Joaquin River Basin* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the Basin. These requirements implement the Basin Plan.

13. The U.S. Environmental Protection Agency (USEPA) adopted the *National Toxics Rule* (NTR) on 5 February 1993 and the *California Toxics Rule* (CTR) on 18 May 2000. These Rules contain water quality standards applicable to this discharge. The State Water Resources Control Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Plan (SIP)), which contains guidance on implementation of the NTR and the CTR.

RECEIVING WATER BENEFICIAL USES

14. The Basin Plan at page II-2.00 states: "Existing and potential beneficial uses which currently apply to surface waters of the basins are presented in Figure II-1 and Table II-1. The beneficial uses of any specifically identified water body generally apply to its tributary streams." The Basin Plan identifies the following beneficial uses for the San Joaquin River, Sources to Millerton Lake:

- Municipal and Domestic Supply (MUN);
- Agricultural Irrigation, Agricultural Stock Watering (AGR);
- Hydropower Generation (POW);
- Water Contact Recreation (REC-1);
- Non-contact Water Recreation (REC-2);
- Warm Freshwater Aquatic Habitat (WARM);
- Cold Freshwater Aquatic Habitat (COLD); and
- Wildlife Habitat (WILD).

EFFLUENT LIMITATIONS AND REASONABLE POTENTIAL

15. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments that are applicable to the discharge are contained herein.

16. The federal Clean Water Act (CWA) mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or federal law. (33 U.S.C., § 1311(b)(1)(C); 40 C.F.R., § 122.44(d)(1)) NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to Federal Regulations, 40 C.F.R. section 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that "are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality." Federal Regulations, 40 CFR, Section 122.44(d)(1)(vi), further provide that "[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits."

17. Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs the Regional Board finds that the discharge does not have a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard. Data for detected CTR constituents are presented in the Fact Sheet of this Order.

18. Previous Order No. 99-015 established effluent limitations for total suspended solids, settleable solids, and oil and grease, which were technology-based limits developed using best professional judgment. Results of water quality monitoring indicate detected concentrations of these constituents in the discharge do not result in reasonable potential for the discharge to exceed water quality criteria or objectives. Therefore, these existing technology based limitations are protective of Basin Plan beneficial uses. In order to ensure continued attainment of beneficial uses, this Order carries over the Effluent Limitations established by the previous Order.

    Effluent limitations for flow and pH are also carried over from Order No. 99-015, however, the following revisions have been made:

    pH: The effluent limitation for pH in WS 003 has been removed because monitoring of this waste stream is not feasible prior to commingling with the other waste streams in the Tailrace Tunnel. This waste stream consists only of non-contact cooling water and does not pose a significant threat to water quality.

    Flow: Order No. 99-015 required that the discharge flows for WSs 001A, 001B, 002, and 003 not exceed 1.05, 1.0, 1.0, and 2.5 mgd, respectively. Special Order No. 5-01-047 removed flow limitations that pertain to discharges of untreated groundwater. Therefore, flow limitations for WSs 001A, 001B, and 002 are not included in this Order. The flow limitation of 2.5 mgd for internal WS 003 (non-contact cooling water) is maintained.

19. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

RECEIVING WATER LIMITATIONS

20. Receiving water limitations in this Order are based on the water quality objectives in the Basin Plan and are established to protect the designated beneficial uses for the receiving waters.

21. The Clean Water Act, Section 303(a-c), required states to adopt numeric criteria where they are necessary to protect designated uses. The Regional Board adopted numeric criteria in the Basin Plan. The Basin Plan is a regulatory reference for meeting the state and federal requirements for water quality control (40 CFR 131.20). State Board Resolution No. 68-16, the Antidegradation Policy, does not allow changes in water quality less than that prescribed in Water Quality Control Plans (Basin Plans). The Basin Plan states that; "The numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect the beneficial uses." This Order contains Receiving Water Limitations based on the Basin Plan numerical and narrative water quality objectives for biostimulatory substances, chemical constituents, color, dissolved oxygen, floating material, oil and grease, pH, pesticides, radioactivity, salinity, sediment, settleable material, suspended material, tastes and odors, temperature, toxicity and turbidity.

GROUNDWATER LIMITATIONS

22. The beneficial uses of the underlying groundwater, as designated in the Basin Plan, are MUN, Industrial Service Supply, Industrial Process Supply, and AGR.

23. Basin Plan water quality objectives to protect the beneficial uses of groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity of groundwater, and taste and odor. The toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, or animals. The chemical constituent objective states groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the maximum contaminant levels (MCLs) in Title 22, CCR. The Basin Plan requires the application of the most stringent objective necessary to ensure that groundwaters do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use. This permit does not allow the discharge to degrade groundwater.

GENERAL FINDINGS

24. Section 13267 of the California Water Code states, in part, "(a) A regional board, in establishing…waste discharge requirements… may investigate the quality of any waters of the state within its region" and "(b) (1) In conducting an investigation…, the regional board may

require that any person who… discharges… waste…that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports." The attached Monitoring and Reporting Program is issued pursuant to California Water Code Sections 13267. The attached Monitoring and Reporting Program is necessary to determine compliance with these waste discharge requirements. The Discharger is responsible for the discharges of waste at the Facility subject to this Order.

25. CWC Section 13383 states: " (a) The state board or a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Section 13377 or by subdivisions (b) and (c) of this section, for any person who discharges pollutants … any person who owns or operates a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes of sewage sludge. (b) The state board or the regional boards may require any person subject to this section to establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required. (c) The state board or a regional board may inspect the facilities of any person subject to this section pursuant to the procedure set forth in subdivision (c) of Section 13267."

26. The Regional Board has considered the information in the attached Fact Sheet in developing the Findings and Requirements of this Order. The Fact Sheet, Monitoring and Reporting Program No. ____, and Attachments A through C are a part of this Order.

27. The USEPA and the Regional Board have classified this discharge as a minor discharge.

28. The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et seq*.) in accordance with Section 13389 of the California Water Code.

29. The Discharger and interested agencies and persons were notified of the intent to prescribe waste discharge requirements for this discharge and provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

30. In a public meeting, all comments pertaining to the discharge were heard and considered.

31. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided USEPA has no objections.

IT IS HEREBY ORDERED that Order No. 99-015 is rescinded and pursuant to CWC Sections 13623, 13267, 13337, and 13383, Southern California Edison Company, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following for discharges from the Balsam Meadows Hydroelectric Project, Eastwood Powerhouse Facility:

[Note: Other prohibitions, conditions, definitions, and some methods of determining compliance are contained in the attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (National Pollutant Discharge Elimination System)" dated February 2004.]

A. Discharge Prohibitions:

1. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.

2. The by-pass or overflow of wastes is prohibited, except as allowed by Standard Provision A.13. [See attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)"].

B. Effluent Limitations:

1. Effluent at WS 001A shall not exceed the following limitations:

Constituents	Units	Monthly Average	Daily Maximum
Total Suspended Solids	mg/L	5.0	10.0
Settleable Solids	ml/L	0.1	0.2
Oil and Grease	mg/L	--	15

2. Discharge 002 and WSs 001A, and 001B shall not have a pH less than 6.0 or greater than 9.0.

3. The flow for WS 003 shall not exceed 2.5 mgd.

4. Survival of aquatic organisms in 96-hour bioassays of undiluted waste at Discharge 002, WS 001A, and WS 001B shall be no less than:

   Minimum for any one bioassay - - - - - - - - - - - - - - - - - - - 70%
   Median for any three or more consecutive bioassays - - - - 90%

C. Solids Disposal:

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer, and consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste,* as set forth in Title 27, CCR, Division 2, Subdivision 1, Section 20005, *et seq*.

2. Any proposed change in solids use or disposal practice from a previously approved practice shall be reported to the Executive Officer and USEPA Regional Administrator at least **90 days** in advance of the change.

D. Receiving Water Limitations:

Receiving Water Limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this permit. The discharge shall not cause the following in the receiving waters:

1. Bacteria: The fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of the total number of samples taken during any 30-day period exceed 400/100 ml.

2. Dissolved Oxygen: Concentrations of dissolved oxygen to fall below 7.0 mg/L. The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of saturation in the main water mass, or the 95^{th} percentile concentration to fall below 75 percent of saturation.

3. Oil and Grease: Oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the water surface or on objects in the

water, or otherwise adversely affect beneficial uses.

4. Color: Discoloration that causes nuisance or adversely affects beneficial uses.

5. pH: The ambient pH to be depressed below 6.5, nor raised above 8.5, nor changes in normal ambient pH levels to be exceeded by more than 0.5 units.

6. Temperature: The natural receiving water temperature to increase more than 5°F.

7. Settleable Matter: Substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.

8. Radioactivity: Radionuclides to be present in concentrations that are harmful to human, plant, animal or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.

9. Concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations.

10. Toxicity: Toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. This applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.

11. Biostimulatory Substances: Biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.

12. Floating Material: Floating material in amounts that cause nuisance or adversely affect beneficial uses.

13. Sediment: Suspended sediment load and suspended sediment discharge rate altered in such a manner to cause nuisance or adversely affect beneficial uses.

14. Suspended Sediment: Suspended sediment concentrations that cause nuisance or adversely affect beneficial uses.

15. Taste and Odor: Taste- or odor-producing substances in concentrations that cause nuisance, adversely affect beneficial uses, or impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to domestic or municipal water supplies.

16. Turbidity: Changes in turbidity that cause nuisance or adversely affect beneficial uses. Turbidity attributable to controllable water quality factors to exceed the following:
    a. More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs.

    b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.

    c. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.

    d. More than 10 percent where natural turbidity is greater than 100 NTUs.

17. Pesticides:

    a. Pesticides in individual or combined concentrations that adversely affect beneficial uses.

    b. Pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.

    c. Total identifiable persistent chlorinated hydrocarbon pesticides in concentrations detectable within the accuracy of analytical methods approved by the Environmental Protection Agency or the Executive Officer.

    d. Concentrations exceeding those allowable by applicable antidegradation policies (see State Water Resources Control Board Resolution No. 68-16 and 40 C.F.R. Section 131.12.)

    e. Concentrations exceeding the lowest levels technically and economically achievable.

    f. Concentrations exceeding the Maximum Contaminant Levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15.

    g. Concentrations of thiobencarb in excess of 1.0 mg/L

18. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.

E. Groundwater Limitations:

The discharge shall not cause the underlying groundwater to be degraded.

F. Provisions:

1. The Discharger shall comply with Monitoring and Reporting Program No. ____, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.

   When requested by USEPA, the Discharger shall complete and submit Discharge Monitoring Reports to USEPA. The submittal date shall be no later than the submittal date specified in the Monitoring and Reporting Program for Discharger Self Monitoring Reports.

2. The Discharger shall comply with all the items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)", dated February 2004, which are part of this Order.

3. The Discharger shall conduct chronic toxicity testing specified in the Monitoring and Reporting Program. If the testing indicates that the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the water quality objective for toxicity, the Discharger shall initiate a Toxicity Identification Evaluation (TIE) to identify the causes of toxicity. Upon completion of the TIE, the Discharger shall submit a workplan to conduct a Toxicity Reduction Evaluation (TRE) and, after Regional Board evaluation, conduct the TRE. This Order will be reopened and a chronic toxicity limitation included and/or a limitation for the specific toxicant identified in the TRE included. Additionally, if a chronic toxicity water quality objective is adopted by the State Water Resources Control Board, this Order may be reopened and a limitation based on that objective included.

4. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, Sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, Sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

5. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons responsible for contact with the Regional Board and a statement. The statement shall comply with the signatory paragraph of Standard Provision D.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

6. The Board may modify or reopen this Order prior to its expiration date in any of the following circumstances:

   a. If present or future investigations demonstrate that the discharge governed by this Order has a reasonable potential to cause or contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters;

   b. New or revised water quality objectives (WQOs) come into effect for the receiving water. In such cases, effluent limitations in this permit will be modified as necessary to reflect updated WQOs. Adoption of effluent limitations contained in this Order is not intended to restrict in any way future modifications based on legally adopted WQOs or as otherwise permitted under federal regulations governing NPDES permit modifications;

   c. If translator or other water quality studies provide a basis for determining that a permit condition(s) should be modified. The Discharger may request permit modification on this basis. The Discharger shall include in any such request an antidegradation and anti-backsliding analysis.

7. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Regional Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the date and task. If noncompliance is being reported, the reasons for such noncompliance, and an estimate of the date when the Discharger will be in compliance, shall be stated. The Discharger shall notify the Regional Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of this Order.

8. The Discharger shall use the best practicable cost-effective control technique currently available to comply with terms of this Order.

9. Prior to making any change in the discharge point, place of use, or purpose of use of the wastewater, the Discharger shall obtain approval of, or clearance from the State Water Resources Control Board (Division of Water Rights).

10. The Regional Board will review this Order periodically and will revise requirements when necessary.

11. This Order expires on **(5 years following adoption date of Order),** and the Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR, not later than 180 days in advance of such date to apply for renewal of waste discharge requirements if it wishes to continue the discharge.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

_____
THOMAS R. PINKOS, Executive Officer

JE:je:5/26/2005